

***Remarks***

Reconsideration of this Application is respectfully requested. Claims 1, 2, 4-17, 19-21, 23-31 and 33-35 are pending in the application, with claims 1, 15, 20, 29, 33, 34, and 35 being the independent claims. Claims 2, 4, 6, 7, 9, 11, 12, 16, 24, and 25 are sought to be amended. Applicant reserves the right to prosecute similar or broader claims, with respect to the amended claims, in the future. These changes are believed to introduce no new matter, and their entry is respectfully requested.

The claims presented in this Application should be interpreted solely based on the file history of this Application, not the file history of any predecessor or related application. With respect to this application, Applicant hereby rescinds any and all disclaimers of claim scope made in any parent application(s), any predecessor application(s), and any related application(s). The Examiner is advised that any previous disclaimer of claim scope, if any, and any references that allegedly caused any previous disclaimer of claim scope, may need to be revisited. Nor should any previous disclaimer of claim scope, if any, in this Application be read back into any predecessor or related application.

Based on the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1, 2, 4-8, 15-17, 29-31, 33, and 34

Claims 1, 2, 4-8, 15-17, 29-31, 33, and 34 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by United States Patent No. 5,864,579 to Briskman ("Briskman"). Applicant respectfully traverses the rejection and provides the following arguments to support patentability.

This Application discloses a single frequency wireless communication system that detects for an interference problem before transmission of information. More specifically, wireless components, such as one or more switches, one or more repeaters, and one or more mobile stations to provide some examples, of the single frequency wireless communication system may operate at substantially the same frequency. (Specification, ¶ [00188].) The single frequency wireless communication system of this Application manages and schedules transmissions of packets back and forth between the respective components to prevent interference problems, such as data collisions to provide an example, from occurring among the components. (Specification, ¶ [00188].) For example, when a switch receives a packet destined for a mobile station, the switch determines whether an interference problem would be created if the packet is sent by the switch to the mobile station at that time. (Specification, ¶¶ [00188] - [00189] (emphasis added).) An interference problem would be created if there other transmissions occurring when the packet is forwarded onto the mobile station. (Specification, ¶ [00189].) If no interference problem exists, then switch sends the packet to the repeater for forwarding to the mobile station. (Specification, ¶ [00189].) However, if an interference problem would be created by sending the packet, then the switch delays sending the packet to the repeater.

Briskman

Briskman discloses the use of spread spectrum modulation as a technique for mitigating self-interference. More specifically, Briskman discloses "multi-program radio broadcast systems which can provide ubiquitous service coverage over large geographical areas (e.g., the United States) containing diverse terrain and various levels of urbanization." (Briskman, 2:36-40.) According to Briskman,

[t]here may be more than one terrestrial repeater, more than one geosynchronous satellites, or both, in a core urban area transmitting the same signal. Because these transmissions are at the same radio frequency, a user receiver preferably includes means for minimizing self-interference among a plurality of incoming transmissions.

Briskman, 2:36-40

Briskman mitigates this self-interference among the plurality of incoming transmissions "by use of spread spectrum modulation where several such transmissions, each encoded with different orthogonal pseudo-noise codes, can occupy the same spectrum and be demodulated at the user receiver without self-interference." (Briskman, 2:61-3:3.)

Nowhere does the multi-program radio broadcast system of Briskman "determine" within the plurality of repeaters whether wirelessly transmitting first and second packets to the first and second mobile stations, respectively will create interference between the first and second packets" as recited by independent claim 1. In other words, the method of independent claim 1 "determines within the plurality of repeaters whether wirelessly transmitting first and second packets to the first and second mobile stations, respectively will create interference between the first and second packets," then "wirelessly transmit[s] the first and second packets to the first and second mobile stations respectively at different times when it is determined that transmitting the first and second packets will create interference." There is no such determination taught

or suggested by Briskman. Briskman merely discloses the use of spread spectrum modulation as a technique for mitigating self-interference.

Therefore, Briskman does not teach or suggest at least the feature of "*determining within the plurality of repeaters whether wirelessly transmitting first and second packets to the first and second mobile stations, respectively will create interference between the first and second packets*" as recited by independent claim 1. Independent claims 15, 29, 33, and 34 each recite substantially similar features that are likewise not taught or suggest by Briskman. For example independent claim 15 recites at least the feature of "*detecting whether overlapping transmissions of the first and second packets will result in interference that would prevent completion of the transmissions.*" Dependent claims 2, 4-8, 16, 17, 30, 31 are likewise not anticipated by Briskman for the same reasons as the independent claims from which they depend and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 1, 2, 4-8, 15-17, 29-31, 33, and 34 under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

### ***Rejections Under 35 U.S.C. § 103***

#### **Claims 20, 21, 23-25, and 35**

Claims 20, 21, 23-25, and 35 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Briskman. Applicant respectfully traverses the rejection and provides the following arguments to support patentability.

From the discussion above, Briskman does not teach or suggest at least the feature of "*determining within the plurality of repeaters whether wirelessly transmitting first and second packets to the first and second mobile stations, respectively will create*

*interference between the first and second packets"* as recited by independent claim 1. Independent claims 20 and 35 each recite substantially similar features that are likewise not taught or suggested by Briskman. For example, independent claim 20 recites at least the feature of *"determining, at the switch, whether immediately transmitting the packet to the mobile station will cause an interference with other communications destined to the mobile station."* Consequently, Briskman does not render independent claims 20 and 35 obvious. Dependent claims 21 and 23-25 are likewise not rendered obvious by Briskman for the same reasons as the independent claims from which they respectively depend and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 20, 21, 23-25, and 35 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 9-13, 14, 19, and 26-28

Claims 9-13, 14, 19, and 26-28 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Birkman in view of one or more of the following:

United States Patent No. 5,093,927 to Shanley ("Shanley"); and  
United States Patent No. 5,732,076 to Ketseoglou et al. ("Ketseoglou").

Applicant respectfully traverses the rejection and provides the following arguments to support patentability.

As discussed above, Birkman does not teach or suggest each and every feature of independent claims 1, 15, 20, 29, 33, 34, and 35. Shanley and Ketseoglou alone, or any combination thereof, does not provide the missing teachings or suggestions with respect to these independent claims nor does the Office Action so allege. Therefore, the combination of Birkman and one or more of Shanley and Ketseoglou does not render

independent claims 1, 15, 20, 29, 33, 34, and 35 obvious. Dependent claims 9-13, 14, 19, and 26-28 are likewise not rendered obvious by the combination of Birkman and one or more of Shanley and Ketsoglou for the same reasons as the independent claims from which they respectively depend and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 9-13, 14, 19, and 26-28 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

*Conclusion*

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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Date: 03/17/10

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